

INDIANA SCHOOL FOR THE BLIND AND VISUALLY IMPAIRED

Bullying

Policy/Procedure O-57

Policy: The Indiana School for the Blind and Visually Impaired (ISBVI) is committed to protecting students, employees, volunteers, and applicants from any type of bullying, harassment or discrimination for any reason. For the purpose of this Policy, the term “staff” shall include employees and volunteers unless otherwise noted.

The ISBVI and the ISBVI School Board believe that all students and employees are entitled to a safe, equitable and harassment-free school.

Bullying, harassment or discrimination will not be tolerated and shall be just cause for disciplinary action. This policy shall be interpreted and applied in accordance with all applicable state and federal laws.

The standards of this policy constitute a specific, focused, coordinated, integrated, culturally sensitive system of supports for all students, staff, families, and community agencies that will improve relations within the school. It is designed to ensure that the school has staff that have been trained and are supported. The ISBVI will provide awareness, intervention training, and instructional strategies on prevention, including violence prevention, to each staff member and student, with direct follow up when incidents are reported or occur.

I. Definitions

- A. For purposes of this Policy, “bullying” is defined as overt, unwanted, repeated acts or gestures, including verbal or written communications or images transmitted in any manner including electronically or digitally, physical acts committed, aggression, or any other similar behaviors that are committed by a student or group of students against another student with the intent to harass, ridicule, humiliate, intimidate, or harm the targeted student and create for the targeted student an objectively hostile school environment that:
1. places the targeted student in reasonable fear of harm to the targeted student’s person or property;
 2. has a substantially detrimental effect on the targeted student’s physical or mental health;
 3. has the effect of substantially interfering with the targeted student’s academic performance; or
 4. has the effect of substantially interfering with the targeted student’s ability to participate in or benefit from the services, activities, and privileges provided by the school.

“Bullying” may involve, but is not limited to:

1. unwanted teasing
2. threats
3. intimidation
4. stalking
5. cyberstalking
6. cyberbullying
7. physical violence
8. theft
9. harassment based on any protected category, including but not limited to sex, religion, ethnicity, disability, or race
10. public humiliation or scorn
11. destruction of school or personal property
12. social exclusion
13. spreading of a falsehood or rumor

Engaging in bullying conduct described in this Policy by use of data or computer software that is accessed through any computer, any computer system, or any computer network is also prohibited.

Bullying does not include, and should not be interpreted to impose any burden or sanction on, the following:

1. participating in a religious event;
 2. acting in an emergency involving the protection of a person or property from an imminent threat of serious bodily injury or substantial danger;
 3. participating in an activity consisting of the exercise of a student's freedom of speech rights;
 4. participating in an activity conducted by a nonprofit or governmental entity that provides recreation, education, training, or other care under the supervision of one (1) or more adults;
 5. participating in an activity undertaken at the prior written direction of the student's parent; or
 6. engaging in interstate or international travel from a location outside Indiana to another location outside Indiana.
- B. “*Harassment*” means persistent or repeated use of words, conduct, or actions (1) that serve no legitimate purpose, (2) are directed at a student, (3) are intended to cause substantial emotional distress to the targeted student, and (4) are communicated by any means, including but not limited to any electronic means.
- C. “*Cyberstalking*” means to engage in a course of conduct to communicate, or to cause to be communicated, words, images, or language by or through the use of electronic mail or electronic communication that is directed to or about a specific person and that results in impingement on the rights of the targeted student, including the right to a safe and

peaceful learning environment.

- D. “*Cyberbullying*” is defined as the willful and repeated harassment and intimidation of a person through the use of digital technologies, including, but not limited to, email, blogs, texting on cell phones, social websites (e.g., Facebook, Twitter, Instagram, etc.), chat rooms, “sexting,” instant messaging, or video voyeurism.
- E. “*Bullying*,” “*Cyberbullying*,” and “*Harassment*” also encompass:
1. retaliation against a student by another student or school employee for asserting or alleging an act of bullying, harassment, or discrimination.
 2. reporting a baseless act of bullying, harassment, or discrimination that is not made in good faith.
 3. perpetuation of conduct that is considered bullying, harassment, or discrimination by an individual or group with intent to demean, dehumanize, embarrass, or cause emotional or physical harm to a student in regard to the student’s real or perceived: sex, race, color, religion, national origin, age, disability (physical, mental, or educational), marital status, socio-economic background, ancestry, ethnicity, gender, gender identity or expression, linguistic preference, political beliefs, sexual orientation, or social/family background.

This Policy also prohibits bullying of any student by any Board member, school employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school, at school-sponsored events, on school buses, on school grounds, or at training facilities or training programs sponsored by the school.

- G. “*Accused*” is defined as any school employee, consultant, contractor, agent, visitor, volunteer, student, or other person in the school or outside the school at school-sponsored events, on school buses, on school grounds, or at training facilities or training programs sponsored by the school who is reported to have committed an act of bullying, whether formally or informally, orally or in writing.
- H. “*Complainant*” is defined as any school employee, consultant, contractor, agent, visitor, volunteer, student, or other person who formally or informally makes a report of bullying, orally, in writing, or electronically.
- I. “*Victim*” or “targeted student” is defined as any ISBVI student who is reported to have been the target of an act of bullying during any educational program or activity conducted or sponsored by ISBVI.

This Policy may be applied regardless of the physical location of the bullying behavior when a student committing bullying behavior and the targeted student attend the ISBVI, and disciplinary action is reasonably necessary to avoid substantial interference with school discipline or prevent an unreasonable threat to the rights of other students to a safe and peaceful learning environment.

II. Expectations: The ISBVI Expects Students and Staff to Conduct Themselves With a Proper Regard For the Rights and Welfare of Other Students and School Staff, the Educational Purpose Underlying All School Activities, and the Care of School Facilities and Equipment

A. The ISBVI prohibits the bullying of any student:

1. during any educational program or activity conducted by ISBVI;
2. during any school-related or school-sponsored program or activity or on an ISBVI school bus;
3. through the use of any electronic device while on school grounds or on an ISBVI school bus, including the use of any computer software that is accessed through a computer, computer system, or computer network. The physical location or time of use of an electronic device to engage in a bullying incident will result in disciplinary action where such bullying constitutes a substantial disruption or is likely to result in a substantial disruption in ISBVI programs and services or impinges on the rights of a targeted student or other students.
4. through threats using the above to be carried out on school grounds, at a school activity, or on an ISBVI school bus. This includes threats made outside of school hours, which are intended to be carried out during any school-related or school-sponsored program or activity or on an ISBVI school bus.

A person may file a complaint alleging bullying against a student and the school will investigate and/or provide assistance and intervention as the superintendent/designee deems appropriate, which may include the use of a representative from the local school corporation. The superintendent/designee shall log all reports and interventions. However, if a student's ability to receive an education or the school's ability to provide an education is significantly impaired, as determined by the school administration and local school corporation through a case conference committee, disciplinary sanctions may be applied or change of placement may be warranted. False reporting of bullying conduct, as defined in this Policy, by a student shall be considered a violation of this Policy and will result in any appropriate disciplinary action or sanctions should the investigation of the report finds it to be false. The ISBVI will act appropriately to discipline students, staff, visitors, or volunteers who make false reports of bullying.

B. All administrators, faculty, and staff, in collaboration with parents, students, community members, and local school corporations where feasible will incorporate systemic methods for student and staff recognition through positive reinforcement for good conduct, self-discipline, good citizenship, and academic success.

In accordance with Indiana law, instruction and training concerning the identification, prevention, and intervention of bullying behavior under this policy will be provided to staff and volunteers who have direct, ongoing contact with ISBVI students. Students in grades 1 – 12 will receive instruction regarding bullying, including the use of the reporting system established under this Policy. Administrators and teachers are encouraged to engage students and parents in meaningful discussions about the negative

aspects of bullying. Parent involvement may be through parent organizations already in place.

- C. Student rights shall be explained to students as outlined in this Policy and in the Student Handbook.
- D. Proper prevention and intervention steps shall be taken based on the level of severity of infraction as outlined in the Student Rights and Responsibilities section of the Student Handbook, the Discipline Chart, and this Policy.

III. Stakeholder Responsibilities

- A. ISBVI School Social Workers, Administrators, and Human Resources Personnel will collaborate with school staff members, families, and community stakeholders to utilize this Policy and associated procedures to promote academic success, enhance resiliency, build developmental assets, and promote protective factors within the school by ensuring that each and every staff member and student is trained on violence prevention. These trainings will work to create a climate within the school that fosters the safety and respect of children and the belief that adults are there to protect and help them. Additionally, students and staff will be given the skills, training, and tools needed to create the foundation for preventing, identifying, investigating, and intervening when issues of bullying arise.
- B. Evaluation of Service Effectiveness: Evaluations to determine the effectiveness and efficiency of the services being provided will be conducted at least every three years and shall include data-based outcomes.
- C. Accountability: The Superintendent, administrators, and the staff share accountability for implementation of these student support services consistent with the standards of this Policy. These administrators will take steps to assure that student support services are fully integrated with their instructional components at the school and are pursued with equal effort in policy and practice.

IV. Training For Students, Parents, Faculty, Staff, School Administrators, Contractors and School Volunteers on Identifying, Preventing, and Responding to Bullying Will Be Conducted

- A. At the beginning of each school year, the school superintendent/designee shall provide awareness of this Policy—as well as the process for reporting incidents, investigating same, and appealing adverse determinations to students, school staff, parents, and other persons responsible for the welfare of a student through appropriate references in the Student Handbook, Staff Handbook, the school website, or through other reasonable means.

V. Disciplinary Sanctions (consequences) and Due Processes For a Person Who Commits

An Act of Bullying Under This Policy

- A. Concluding whether a particular action or incident constitutes a violation of this Policy requires a determination based on all of the facts and surrounding circumstances, followed by the determination of disciplinary sanctions appropriate to the perpetrator's position within the school.
 - 1. Consequences and appropriate interventions for students who commit acts of bullying may range from positive behavioral interventions up to, but not limited to suspension, as outlined in the Discipline Chart and this Policy.
 - a. All steps necessary to protect the victim from further violations of this policy will be taken, and may include, but are not limited to, change of placement of the perpetrator to a different school, per a case conference committee decision. Only the case conference committee may make such a change of placement.
 - 2. Consequences and appropriate interventions for a school employee found to have committed an act of bullying will be instituted in accordance with ISBVI discipline policies which may include discipline up to and including termination.
 - 3. Consequences and appropriate intervention for a visitor, volunteer, or parent/guardian found to have committed an act of bullying shall be determined by the school administrator after consideration of the nature and circumstances of the act, including reports to appropriate law enforcement officials as appropriate. Sanctions could include, *inter alia*, restricted or limited access to the ISBVI campus, staff, or students.
 - 4. These same actions can apply to anyone who is found to have made or caused to be made a false report of bullying.

VI. Reporting an Act of Bullying

- A. The superintendent/designee is responsible for receiving oral or written, including electronic, complaints alleging violations of this policy.
- B. Students may report complaints of bullying to any teacher, administrator or the superintendent. All school employees are required and must report, in writing, any allegations of bullying or violations of this Policy involving students to the superintendent/designee. Failure to report will result in action(s) or discipline, consistent with school policy, up to and including termination of employment. Any school employee who suspects adult-on-adult bullying is to report any such concerns to the superintendent immediately.
- C. Anyone who believes that this Policy has been violated or any student who feels he/she has been bullied in violation of this rule should immediately report the conduct to an appropriate staff member such as a teacher, counselor, administrator, or the superintendent/designee who has responsibility for all investigations of student misconduct including bullying. Any staff member, volunteer, or contracted service provider who observes or receives a report of suspected bullying shall notify the superintendent/designee who has responsibility for all investigations of student

misconduct within the same day. This report may be made anonymously.

- D. The principal shall establish, and prominently publicize to students, staff, volunteers, and parents and others how a report of bullying may be filed and what actions may be taken. The principal shall inform students, staff, volunteers, and parents and others that a report can be made anonymously.
- E. Submission of a good faith complaint or report of bullying will not affect the complainant's continued enrollment, future employment, grades, learning or working environment, or work assignments within the ISBVI, as applicable.
- F. Retaliation against any person, who reports, is thought to have reported, files a complaint, or otherwise participates in an investigation or inquiry concerning allegations of bullying is prohibited and will not be tolerated. Such retaliation shall be considered a serious violation of this Policy and independent of whether a complaint is substantiated. Suspected retaliation should be reported in the same manner as bullying. Making intentionally false reports about bullying for the purpose of getting someone in trouble is similarly prohibited and will not be tolerated. Retaliation and intentionally false reports may result in disciplinary action as indicated above.
- G. Administrators/principal/designee(s) shall document in writing all complaints regarding bullying, to ensure that allegations are appropriately addressed in a timely manner, whether the report is made orally or in writing.

VII. Bullying Complaints and Resolution

- A. The investigation of a reported act of bullying of a student begins with a report of such an act.
- B. The superintendent/designee or Investigative Designee shall document all complaints in writing or through the appropriate data system to ensure that allegations are addressed in a timely manner. Although this Policy encourages complainants, including students, to use the formal written complaint process, complainants, including students, may make such reports orally or anonymously. To the extent appropriate or legally permitted, confidentiality will be maintained during the investigation process. However, a proper investigation will, in some circumstances, require the disclosure of names and allegations.
- C. If the complaint is about the principal or a staff member's direct supervisor, then the superintendent/designee shall be asked to address the complaint.
- D. The trained Investigative Designee(s) will make the determination if a reported act of bullying falls within the scope of the school's jurisdiction and responsibility.

1. If it is within the scope of the school's jurisdiction and responsibility, the Investigative Designee will move to Procedures for Investigating Bullying as outlined below.
 2. If it is determined that the allegations are outside the scope of the school's jurisdiction and responsibility, the matter will be referred to appropriate law enforcement, where any criminal activity is alleged, or to appropriate agencies that may have jurisdiction and responsibility with regard to the allegations.
 3. The Investigative Designee shall investigate all reports of bullying made pursuant to the provisions of this Policy in an expedited manner. The investigation will be initiated within two (2) school days of the report to the designated school staff and will ordinarily be completed within ten (10) school days. Such investigation must include any action or appropriate responses that may be taken immediately to address the bullying conduct wherever it takes place or is alleged to have taken place. The parents of the alleged bully and the targeted student(s) shall be notified by a phone call or other appropriate means within two (2) school days after the designated school administrator receives the report of suspected bullying. The parents of the alleged bully and the targeted student(s) will further be notified on a regular, periodic basis of the progress and the findings of the investigation and of any remedial action that has been taken or is recommended. Parents of students who are disciplined for acts of bullying will be involved in the disciplinary process consistent with this Policy.
- E. Informal Resolution - the administrator, along with the alleged victim and the accused student, may agree to informally resolve the complaint. Documented interviews of the alleged victim, alleged bully, and witnesses are conducted privately and separately, and are considered confidential to the extent authorized by law. Each individual will be interviewed separately, and at no time will the alleged bully and alleged victim be interviewed together. Each party's agreement to Informal Resolution must be in writing. The incident and the resolution must be documented.
- F. The resolution, all interviews and interventions that take place and the corresponding dates shall be documented in writing.

VIII. Investigation Requirements for Reported Acts of Bullying Under This Policy

- A. The procedures for investigating school-based bullying must include the superintendent/designee and/or the Investigative Designee, in the case of student-to-student bullying. The principal and the Investigative Designee, shall be trained in investigative procedures and interventions as outlined in this Policy.
- B. The investigator may not be the accused or the alleged victim. Investigators/designees will provide immediate notification to the parents of both the alleged victim and the alleged bully of an allegation of bullying.
- C. During the investigation, the superintendent/designee may take any action necessary to

protect the complainant, alleged victim, other students or employees consistent with the requirements of applicable law.

1. Documented interviews of the alleged victim, alleged perpetrator, and witnesses are to be conducted privately and separately, and are confidential to the extent permitted by law. Each individual (alleged victim, alleged bully, and witnesses) will be interviewed separately and at no time will the alleged bully and alleged victim be interviewed together or in the same room.
 2. At no time during the investigation will the name of the complainant be revealed by the investigator, except when required to do so by Indiana law.
 3. In general, student complainants and/or alleged victims as well as alleged perpetrator will continue in attendance at the school and pursue their studies as directed while the investigation is conducted and the complaint is pending resolution. Precautions will be taken to ensure limited interactions or supervised interactions will take place between the alleged victim and alleged perpetrator. Any legal order of a court will prevail.
 4. When necessary to carry out the investigation or for other good reasons, and consistent with federal and state privacy laws, the superintendent/designee also may discuss the complaint with any school employee, the parent of the alleged victim, the parent of the complainant, or the parent of the alleged bully, where the alleged victim, complainant, or alleged bully is a minor (or has given consent or is an adult who has been determined to be incompetent or unable to give informed consent due to disability), law enforcement, and/or child protective agencies responsible for investigating claims of child abuse.
 5. During the investigation where an employee is the accused, the superintendent/designee may recommend to the Indiana State Personnel Department/Human Resources/designee, any action necessary to protect the complainant, the alleged victim, or other students or employees, consistent with the requirements of applicable State Personnel laws, State Board of Education Rules and School Board Policies.
- D. Within ten (10) school days of the notification as to the filing of the complaint, there shall be a written decision by the superintendent/designee regarding the completion and determination of the investigation. The superintendent/designee shall make a decision about the validity of the allegations in the complaint and identify any corrective action necessary, where applicable, consistent with ISBVI discipline policies, procedures, and practices.
- E. The superintendent/designee will inform all relevant parties in writing of the decision and the right to appeal.
- F. If the accused is an employee, the superintendent/designee shall discuss the determination and any recommended corrective action with human resources and the Indiana State Department of Personnel as appropriate.
- G. No retaliation of any kind is permitted in connection with an individual's having made a bullying complaint and, should it occur, such retaliation shall be deemed an additional act of bullying.

IX. Referral For Intervention

- A. Referral of a student to the behavior intervention team for consideration of appropriate services is made through the principal by school personnel or parent(s). Parent notification is required. When such a report of formal discipline or formal complaint is made, the superintendent/designee shall refer the student(s) to the behavior intervention team for determination of need for counseling support and interventions.
- B. Referral of school personnel for consideration of appropriate services will be made by the administrator/supervisor to the Superintendent/Designee.
- C. School-based intervention and assistance will be determined by the behavior intervention team and may include, but is not limited to:
 - 1. counseling and support to address the needs of the victims of bullying.
 - 2. counseling interventions to address the behavior of the students who bully (e.g., empathy training, anger management).
 - 3. intervention which includes assistance and support provided to parents.
 - 4. analysis and evaluation of school culture with resulting recommendations for interventions aimed at increasing peer ownership and support.
- D. Self-referral for informal consultation: school staff, students, or parents/guardians, including the parents/guardians of the students involved in the investigation, may request, orally or in writing to the superintendent/designee, informal consultation with school staff (e.g., school social worker, school counselor, school psychologist, etc.) discuss appropriate steps to address bullying and its effects.
- E. Any investigations and interventions shall be recorded in writing.

X. Incident Reporting Requirements

- A. The report must include each incident of bullying and the resulting consequences, including discipline, interventions and referrals. In a separate section, the report must include each reported incident of bullying that does not meet the criteria of a prohibited act under this Policy, with recommendations regarding said incident.
- B. Discipline, referral data, investigations, interventions, and disciplinary actions shall be documented.
- C. Disciplinary actions against the bully may include, but are not limited to: suspension, expulsion, or other interventions for students; discharge for employees; exclusion for parents, guests, volunteers, and contractors; and recommendation for removal from office of any school board member.
- D. The investigation report and documentation regarding any disciplinary action or follow-up actions performed pursuant to this policy are not subject to public access under IC 5-14-3.

XI. Process For Referral for External Investigation

- A. If the act is outside the scope of the school's jurisdiction and responsibility, and is considered a potential criminal act, referral to appropriate law enforcement shall be made immediately, the parent will be notified, and the referral documented by the superintendent/designee.

- B. While the school does not assume any liability for incidents that must be referred for external investigation, it encourages the provision of assistance and intervention as the superintendent/designee deems appropriate, including the use of the Indiana State Personnel Department and other agencies. The superintendent/designee shall document/log all reports and interventions.

XII. Appeals Process

- A. Appeal procedure for bullying by a student must be made in writing to the superintendent/designee within 10 calendar days of receiving notice of the outcome of the investigation.
- B. Appeal procedure for an employee:
If the employee wishes to appeal the action taken in resolution of the complaint, such appeal shall be filed either in accordance with ISBVI Board Policy or Indiana State Personnel Policy.

XIII. Confidentiality

- A. To the extent possible, all complaints will be treated as confidential.
- B. Limited disclosure may be necessary to complete a thorough investigation as described above. The school's obligation to investigate and take corrective action may supersede an individual's right to privacy.
- C. The complainant's identity shall be protected, but absolute confidentiality cannot be guaranteed.
- D. The identity of the victim of the reported act shall be protected to the extent possible.

XIV. Retaliation Prohibited

- A. Retaliation includes, but is not limited to, any form of intimidation, reprisal, threat, or harassment in connection with filing a complaint or assisting with an investigation under this Policy.
- B. Retaliatory, threatening, or intimidating conduct against any individual who has made a bullying complaint or any individual who has testified, assisted, or participated, in any manner, in an investigation is specifically prohibited and, as detailed in this Policy, shall be treated as another incident of bullying.

XV. Additional Referral

In all cases, the ISBVI reserves the right to refer the results of its own investigation to the Prosecutor's office for possible criminal charges, whether or not the school takes any other action.

XVI. Constitutional Safeguard

This policy does not imply prohibit expressive activity protected by the First Amendment

of the United State Constitution or appropriate relevant provisions of the Indiana Constitution.

XVII. Preclusion

This policy should not be interpreted as preventing a victim or accused from seeking redress under any other available law, either civil or criminal.

XVIII. Severability

If a provision of this policy is or becomes illegal, invalid, or unenforceable this shall not affect the validity or enforceability of any other provision of this policy.

XIX. Parental Involvement

Parents are encouraged to be involved in the process of minimizing bullying. Parents should report suspected acts of bullying to an appropriate school official. In addition, parents of students suspected of bullying will be notified with a phone call or through other appropriate means of communication. Conversely, parents of students suspected of being the target of acts of bullying will also be notified with a phone call or through other means of appropriate communication. Parent notifications will occur in an expedited manner within three days after the designated school administrator receives the report of suspected bullying. Parents of students who are disciplined for acts of bullying will be involved in the disciplinary process consistent with Indiana law.

ISBVI Policy O-57

Approved: 5/12/14

Reviewed and Approved: 10/22/18